

STATE OF INDIANA

GRANT COUNTY

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IN THE GRANT CIRCUIT COURT

AVC NO. 04-025

FILED

JUL 30 2004

Carolyn J. Mowery
CLERK GCC

IN RE: RICK MILLER,
individually and d/b/a
KOALATY HOME IMPROVEMENT,

Respondent.

) MISCELLANEOUS

) DOCKET NO. 27001-0407-MI-494

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ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, and Respondent, Rick Miller, individually and doing business as Koalaty Home Improvement, without admitting any violation of law, enter into this Assurance of Voluntary Compliance (Assurance), pursuant to Indiana Code § 24-5-0.5-7.

It is acknowledged that violation of this Assurance constitutes *prima facie* evidence of a deceptive act as defined by Indiana Code § 24-5-0.5-3. This Assurance is entered into without any adjudication of any issue of fact or law herein, and upon consent of the parties hereto.

It is hereby agreed that:

1. Respondent is an individual engaged in consumer solicitation and contracting for home improvements in Grant County, with a principal place of business at 857 E. Bond Ave., Marion, Indiana.

2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Indiana Code § 4-6-9-4 and Indiana Code § 24-5-0.5-1 *et seq.*

4. Respondent, in soliciting and/or contracting with consumers, shall not represent, either orally or in writing, that the subject of the consumer transaction has a specific price advantage it does not have, when he knows or should reasonably know that it does not.

5. Respondent, in soliciting and/or contracting with consumers, shall not represent, orally or in writing, that the subject of a consumer transaction has characteristics or benefits it does not have, which he knows or should reasonably know it does not have.

6. Respondent, in soliciting and/or contracting with consumers, agrees to fully comply with the Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*

7. Upon execution of this Assurance, Respondent shall pay costs in the amount of Three Hundred Dollars (\$300.00) to the Office of the Attorney General.

8. Respondent shall not represent that the Office of the Attorney General approves or endorses his past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

9. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

10. The Office of the Attorney General shall file this Assurance with the Circuit Court of Grant County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

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DATED this 21st day of JULY, 2004.

STATE OF INDIANA

STEVE CARTER
Attorney General of Indiana

By: 

David A. Paetzmann
Deputy Attorney General
Atty. No. 6392-23
Office of Attorney General
302 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Telephone: (317) 232-3442

RESPONDENT

RICK MILLER, individually and d/b/a
KOALATY HOME IMPROVEMENT

By: 

Rick Miller
857 E. Bond Ave.
Marion, IN 46952

APPROVED this _____ day of _____, 2004.

Judge, Grant County Circuit Court